

**MINUTES OF THE PUBLIC HEARING HELD BEFORE THE
COMMON COUNCIL OF THE CITY OF JASPER, INDIANA
AUGUST 17, 2005**

A public hearing was held at 6:15 p.m. on Wednesday, August 17, 2005 in the Council Chambers of City Hall, 610 Main Street, Jasper, Indiana.

Roll Call.

Mayor William J. Schmitt	Present
Councilmembers	
John Schroeder	Present
Bradley Seger	Present
Thomas Schmidt	Present
Ambrose 'Butch' Schitter	Present
Renee Kabrick	Present
Randall Buchta	Present
Raymond Howard	Present
City Attorney Sandra Hemmerlein	Present
Clerk-Treasurer Juanita S. Boehm	Present

Clerk-Treasurer Juanita Boehm announced that in order to have a quorum for the hearing, a majority of the members of the legislative body must be in attendance. All seven members were in attendance; therefore, there was a quorum for the hearing.

Mayor Schmitt then invited all those present to recite the Pledge of Allegiance.

The purpose of the hearing was to receive public comments concerning the petition of Paul E. Schmitt and Patricia E. Kiefer, Co-Personal Representatives of the Estate of Othmar W. Schmitt, and Kerstiens Corporation, Inc. to rezone the tract of land located on the Northeast and Northwest corners of the intersection of County Road 400N and Portersville Road from R-R (Rural Residential) to PUD Planned Unit Development (Residential).

City of Jasper Ordinance Number 1993-17, entitled "Zoning Ordinance and Subdivision Control Ordinance and Flood District and Flood Damage Prevention" and any and all amendments thereto were incorporated by reference into the record of this public hearing.

Notice appeared in the Herald on August 6, 2005. Notice was also posted at city hall and faxed to the news media.

Mayor Schmitt then asked for public comment and if there were any remonstrators present.

Al Mehringer, representing Kerstiens Corporation, Inc., presented plans for a proposed 96-lot subdivision at the intersection of County Road 400N and Portersville Road. He explained that a land surveyor had revised the original plans that were presented and approved by the Planning Commission this month and the subdivision would now consist of 96 lots instead of 98. He emphasized

that the subdivision would not be multi-family with an apartment complex, but would consist of mostly single family homes with just nine lots for two-family dwellings. He said legal notice of the rezoning request and proposed subdivision had been sent to those meeting the requirements. He said he had also made personal visits to those neighbors in an attempt to work with their needs. Mr. Mehringer also explained that a study would be conducted to see if the waste water lift station in that area could handle this proposed development. He asked that the request for rezoning be put on hold until the study of the capacity of the waste water lift station could be completed.

Kurt Bies, 4409 N. Portersville Road, was concerned that the rezoning request drops the present zoning by several notches, not just one. He said at present the area is zoned for nice large lots, but this rezoning would allow much smaller lots. He asked the council if they or their family would want small and smaller lots near them.

Stephen Hopf, 4404 N. Portersville Road, said he lives in the adjoining subdivision, which is zoned Rural Residential and he wishes the area would remain as such. Hopf said he would like to see bigger lots than what is proposed. He added that he understands the land will be developed but does not want the proposed type of rezoning set as a precedent for future subdivisions in that area. He also said it was rezoned Rural Residential from Agriculture when he bought his property in 1995. He said it was zoned that way then, which he assumed would be protected that way. He is concerned that the change will have a negative affect on the value of his property.

City Attorney Sandra Hemmerlein read a letter from Mrs. Stephen (Julie) Hopf. (See attached). City Attorney Hemmerlein stated that Mrs. Hopf had requested that her letter be read at the public hearing. Mrs. Hopf was against the rezoning.

There were no other comments and no remonstrators present.

On **motion** made by Councilmember Ambrose Schitter, seconded by Councilmember Thomas Schmidt, and unanimously agreed, the public hearing was closed at 6:38 p.m.

William J. Schmitt, Mayor
Presiding Officer

Attest:

Juanita S. Boehm, Clerk-Treasurer

Cynthia Kluemper, Recording Secretary